

**SUPREME COURT MINUTES
MONDAY, NOVEMBER 19, 2012
SAN FRANCISCO, CALIFORNIA**

S185457 B218347 Second Appellate District, Div. 3 **ALHAMBRA, CITY OF v.
COUNTY OF LOS ANGELES**

Opinion filed: Judgment affirmed in full

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Kennard, Baxter, Werdegarr, Chin, Corrigan, and Liu, JJ.

S191341 F059287 Fifth Appellate District **PEOPLE v. SANDERS
(MAURICE D.)**

Opinion filed: Affirmed in part, reversed in part

We reverse the judgment of the Court of Appeal insofar as it reversed defendant's convictions on counts two and four, vacated the sentences on those counts, and ordered that the sentence on count three be stayed. In all other respects, we affirm the Court of Appeal judgment. We remand the matter to that court for further proceedings consistent with our opinion.

Majority Opinion by Corrigan, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, and Chin, JJ.

Concurring Opinion by Liu, J.

S045423 **PEOPLE v. FUENTES
(EDGARDO SANCHEZ)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Corey J. Robins's representation that he anticipates filing the respondent's brief by March 15, 2013, counsel's request for an extension of time in which to file that brief is granted to January 14, 2013. After that date, only one further extension totaling about 60 additional days is contemplated.

S058734 **PEOPLE v. HOLMES (KARL
DARNELL), McCLAIN
(HERBERT CHARLES) &
NEWBORN (LORENZO)**

Extension of time granted

Good cause appearing, counsel's request for an extension of time to file appellant Herbert McClain's reply brief is granted to December 31, 2012. After that date, no further extension will be granted.

S096809**PEOPLE v. POYNTON
(RICHARD JAMES)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Yun K. Lee's representation that he anticipates filing the respondent's brief by April 12, 2013, counsel's request for an extension of time in which to file that brief is granted to January 14, 2013. After that date, only two further extensions totaling about 90 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S167108**WATSON (PAUL GREGORY)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Geraldine S. Russell's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 15, 2013, counsel's request for an extension of time in which to file that document is granted to January 14, 2013. After that date, only four further extensions totaling about 240 additional days are contemplated.

S201619

B228078 Second Appellate District, Div. 5

**KURWA (BADRUDIN) v.
KISLINGER (MARK B.)**

Extension of time granted

On application of California Academy of Appellate Lawyers and good cause appearing, it is ordered that the time to serve and file the amicus curiae is extended to November 29, 2012.

S202433

B228640 Second Appellate District, Div. 3

PEOPLE v. WRIGHT (BRIAN)

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to December 17, 2012.

S204804**PEABODY (SUSAN J.) v.
TIME WARNER CABLE, INC.**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to December 31, 2012.

S206006**PARKER (GERALD) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Holly D. Wilkens's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by October 16, 2013, counsel's request for an extension of time in which to file that document is granted to January 14, 2013. After that date, only five further extensions totaling about 270 additional days are contemplated.

S206188**DAVIES (AVON) v. S.C.
(MARTINEZ)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S206582**GRAY (DARYL) v.
VALENZUELA (ELVIN)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S205211**STOCKER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FREDERICK JOHN STOCKER, State Bar Number 106382, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. FREDERICK JOHN STOCKER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205212**VALLEJO ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARVIN EZEQUIEL VALLEJO, State Bar Number 269561, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MARVIN EZEQUIEL VALLEJO is suspended from the practice of law for the first 30 days of probation;
2. MARVIN EZEQUIEL VALLEJO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 29, 2012; and
3. At the expiration of the period of probation, if MARVIN EZEQUIEL VALLEJO has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARVIN EZEQUIEL VALLEJO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2014, 2015, and 2016. If MARVIN EZEQUIEL VALLEJO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205213**SANCHEZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that RUBEN DANIEL SANCHEZ, State Bar Number 164298, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. RUBEN DANIEL SANCHEZ is suspended from the practice of law for the first six months of probation (with credit given for the period of inactive enrollment, which was effective August 15, 2011, through April 25, 2012 (Bus. & Prof. Code, §6233);
2. RUBEN DANIEL SANCHEZ must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 12, 2012; and
3. At the expiration of the period of probation, if RUBEN DANIEL SANCHEZ has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RUBEN DANIEL SANCHEZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Costs must be paid with his membership fees for the year 2014. If RUBEN DANIEL SANCHEZ fails to pay costs as described above, or as may be modified by the State Bar Court, costs are due and payable immediately.

S205215**NEJADPOUR ON
DISCIPLINE**

Recommended discipline imposed

The court orders that FARI BARI NEJADPOUR, State Bar Number 216925, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. FARI BARI NEJADPOUR is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. FARI BARI NEJADPOUR must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 3, 2012.
3. At the expiration of the period of probation, if FARI BARI NEJADPOUR has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

FARI BARI NEJADPOUR must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

FARI BARI NEJADPOUR must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205216**HICKEY ON DISCIPLINE**

Recommended discipline imposed

The court orders that SEAN CURTIS HICKEY, State Bar Number 159116, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. SEAN CURTIS HICKEY is suspended from the practice of law for a minimum of the first nine months of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. SEAN CURTIS HICKEY must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2012, and the Modification Order filed on June 20, 2012; and
3. At the expiration of the period of probation, if SEAN CURTIS HICKEY has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

SEAN CURTIS HICKEY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2014, 2015, and 2016. If SEAN CURTIS HICKEY fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205219**FAIRBAIRN ON DISCIPLINE**

Recommended discipline imposed

The court orders that ADAM RANALD FAIRBAIRN, State Bar Number 168204, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ADAM RANALD FAIRBAIRN is suspended from the practice of law for a minimum of two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He makes restitution to Bruce Brymer in the amount of \$10,000 plus 10 percent interest per year from March 14, 2008 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Bruce Brymer, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles; and

- ii. ADAM RANALD FAIRBAIRN must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. ADAM RANALD FAIRBAIRN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on July 2, 2012.
3. At the expiration of the period of probation, if ADAM RANALD FAIRBAIRN has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

ADAM RANALD FAIRBAIRN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ADAM RANALD FAIRBAIRN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205220**FELDMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM MAURICE FELDMAN, State Bar Number 89222, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

WILLIAM MAURICE FELDMAN must make restitution to Maria and Melecio Estrada in the amount of \$1,230.38 plus 10 percent interest per year from March 16, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

WILLIAM MAURICE FELDMAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205497**O'BRIEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that TARA K. O'BRIEN, State Bar Number 261864, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. TARA K. O'BRIEN is suspended from the practice of law for the first 90 days of probation (with credit given for inactive enrollment, which was effective January 11, 2011, through April 11, 2011 (Bus. & Prof. Code, § 6233));
2. TARA K. O'BRIEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 8, 2012; and
3. At the expiration of the period of probation, if TARA K. O'BRIEN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Costs must be paid with her membership fees for the year 2014. If TARA K. O'BRIEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205499**PETERSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROY EARNEST PETERSON, State Bar Number 153455, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROY EARNEST PETERSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205509**REGO ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOSEPH JAMES REGO, State Bar Number 163183, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOSEPH JAMES REGO is suspended from the practice of law for the first thirty days of probation;
2. JOSEPH JAMES REGO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 6, 2012; and
3. At the expiration of the period of probation, if JOSEPH JAMES REGO has complied with

all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOSEPH JAMES REGO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2014 and 2015. If JOSEPH JAMES REGO fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205519**KIDDY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KENNETH LEE KIDDY, State Bar Number 85060, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KENNETH LEE KIDDY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205523**HARRIS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN RANDALL HARRIS, State Bar Number 64176, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEPHEN RANDALL HARRIS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S205529**GERSHFELD ON
DISCIPLINE**

Recommended discipline imposed

The court orders that ALANA GERSHFELD, State Bar Number 196454, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. ALANA GERSHFELD is suspended from the practice of law for the first 90 days of probation;
2. ALANA GERSHFELD must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 6, 2012; and
3. At the expiration of the period of probation, if ALANA GERSHFELD has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALANA GERSHFELD must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ALANA GERSHFELD must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2014 and 2015. If ALANA GERSHFELD fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S205531**CZARKOWSKI ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GREGORY MICHAEL CZARKOWSKI, State Bar Number 213070, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GREGORY MICHAEL CZARKOWSKI must make restitution to Timotie Rodriguez in the amount of \$1,451 plus 10 percent interest per year from April 8, 2010. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

GREGORY MICHAEL CZARKOWSKI must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S206656

**BAR ADMISSION 2012
(JULY EXAM)**

General Bar admission order filed

The written motion #1,054 of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted as attorneys at law in all courts of the State of California upon their taking the prescribed oath before a competent officer on or after November 19, 2012, and within the time limits specified by Title 4, Division 1 of the Rules of the State Bar of California, is hereby granted:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)